Chapter – I

Introduction

Statement of the Problem

Human beings are not property, but unfortunately they are being used for Commercial Sexual Exploitation (CSE) as well as for forced labour. Human trafficking is part of this CSE.

Human Trafficking is an organized crime involving overt and covert participation of several offenders at various places and at different stages of crime. Major ingredients of the process of human trafficking are recruitment or hiring or transfer, exploitation and commercialization of human beings. Human trafficking is an illegal form of persons in slavery. Trafficking is the most profitable trade after drugs smuggling and illegal arms business. The term human trafficking is used in a sense by advocacy groups to mean the recruitment, transportation, harboring, or receipt of people for CSE, forced labour and slavery.

Trafficking in persons especially women and children has become a considerable issue transcending borders, affecting countries all over the world. It is a growing phenomenon involving transnational organized crime syndicates. Women and children have been trafficked for prostitution, forced marriage and other forms of sexual exploitation such as sex tourism, pornography, as domestic workers, as laborers in factories, sweet shops, brick clines and on construction sites, as beggars, as camel jockeys and for organ trade.

Poverty and economic deprivation within countries and between different regions has made the girls and women more vulnerable to trafficking. It is a worldwide phenomenon affecting large numbers of girls and women every day. Children and their families are lured by hope of an improvement in their economic conditions and a more prosperous life far from their homes. Women are often unwittingly duped and coerced into exploitative slave-like situations.
Others are abducted and sold. Trafficking violates a child’s right to grow up in a family environment and exposes him or her to a range of dangers, including violence and sexual abuse.

Globalization has added to the problem by freeing the movement of investment, trade and commerce but restricting the movement of labor, by following restrictive migration policies. This has created extensive opportunities for illegal migration, networks and trafficking to flourish at international level.

 Trafficking is a highly complex process involving many actors like victims, survivors, their families, communities and other third parties that recruit, transport, harbor and use the labor of trafficked victims. Given its complex nature it has, generally, been found that trafficking is essentially a gender and age specific phenomenon affecting women and children rather than men. There are undoubtedly instances of trafficking of men as well. However, trafficking in men is no way approximates the dimensions of trafficking in women and children. Further, trafficking has to be seen as part of the process of local, regional, national and international migration as trafficking involves movement of people.

The United Nations General Assembly, 1994 (Resolution 49/166) defined trafficking as “The illicit and surreptitious movements of persons across national borders, largely from developing countries with economies in transition, with the end goal of forcing women and children into sexually or economically oppressive and exploitative situations for the profit of recruiters, traffickers and syndicates, as well as other illegal activities related to trafficking, such as forced domestic labor, false marriages, clandestine employment and false adoption.”

What is trafficking?
The Oxford English Dictionary defines traffic as ‘trade, especially illegal (as in drugs). It has also been described as ‘the transportation of goods, the coming and going of people or goods by road, rail, air, sea, etc. The word trafficked or trafficking is described as ‘dealing in something, especially illegally (as in the case of trafficking narcotics’).

At the World Congress Against Commercial Sexual Exploitation of Children, ‘trafficking’ was taken to refer to the illegal moving and selling of human beings across countries and continents in exchange for financial or other compensation. The Global Alliance Against the Trafficking of Women (GAATW), on the other hand, defines trafficking as “the recruitment and transportation of (a) person(s) within and across national borders, by means of violence or threat of violence, abuse of actual or perceived authority arising from a relationship, or deception, in order to subject them to the actual and unlawful power of (an) other person(s)”.

Another useful definition is that advanced by the Netherlands Advisory Committee on Human Rights and Foreign Policy, “The traffic in person could be defined as transporting a person from one place to another in order to subject him or her to the actual and unlawful power of other persons by means of using violence or the threat of violence or by using a position of authority arising from a relationship or by misleading the other person.”

Trafficking has been explained as “The recruitment and transportation of a person(s), within and across the national borders by means of violence or threat of violence, abuse of actual or perceived authority arising from a relationship or deception, in order to subject them to the actual unlawful power of (an) other person(s). An individual may be trafficked for various purposes, invariably ending up captive, in coercive and exploitative or commercial sex sectors, commercial servile, marriage, etc.” (Sinha, 1977).
Office of Drugs Control and Crime Prevention (ODCCP) of United Nations defines child trafficking as “The recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

The Transnational Training Seminar on Trafficking in Women, held in Budapest from 20th to 24th June 1998, promulgated the following definition: “Trafficking consists of all acts involved in the recruitment or transportation of persons within or across borders, involving deception, coercion or force, debt bondage or fraud, for the purpose of placing persons in situations of abuse or exploitation, such as forced prostitution, slavery-like practices, battering or extreme cruelty, sweatshop labor or exploitative domestic servitude”.

Trafficking in persons, especially women for the purpose of forced prostitution has been recognized as a prevalent problem of concern in India in recent years. India has served as a destination and transit point of trafficking victims from Bangladesh, Nepal and Bhutan (UNODC, 2006). Trafficking in persons being brought from the southern states like Andhra Pradesh, Tamil Nadu, Kerala and Karnataka has also been happening.

Many of the Northern states like West Bengal, Maharashtra, Gujarat and Uttar Pradesh are major destination states for trafficking in persons, primarily for forced prostitution. Since 1999, the Government of India has focused its efforts on combating trafficking in persons in the country. A substantial proportion of these efforts are concentrated on offering direct assistance to the victims of trafficking in return and reintegration programs with the help of Government Departments like Women and Child Welfare, Police, Social Welfare, Panchayath Raj, and with
the help of various Non-Governmental Organizations (NGOs). At the same time, several international organizations like United Nations Office of Drugs and Crimes (UNODC), United Nations Global Initiative to Fight Human Trafficking (UN GIFT), World Bank, International Organization on Migration (IOM), The Asian Health Agency (TAHA) and Asian Development Bank (ADB) sponsored various programs for rehabilitation and reintegration of trafficking persons in the country.

According to a report of the National Commission for Women (NCW), at least half of the total 612 districts in the country are affected directly or indirectly by trafficking of women and children for commercial sexual exploitation. The NCW Report further says that in 378 districts of different states, there are 1,794 identified places of origin from where women are trafficked and 1,016 areas where commercial sexual activities are taking place. (NCW Report, 2005).

The trafficking in persons are the most vulnerable to human rights abuse, women rights abuse, right to life and right to health. It is due to involvement of such critical issues ‘persons in trafficking’ are called as ‘victims of trafficking’. Use of trafficked women for commercial sex purpose is known as prostitution.

To mitigate the trafficking, the Government of India and the State Governments made significant progress in law enforcement efforts against sex trafficking and commercial sex exploitation. The Government prohibits trafficking for commercial sexual exploitation through the Immoral Trafficking Prevention Act (ITPA) - 1956. Stringent penalties have been prescribed under the ITPA, ranging from seven years to life imprisonment thatcommensurate with those prescribed for other grave crimes, such as rape. India also prohibits bonded and forced labor through the Bonded Labor (Abolition) Act of 1976, the Child Labor (Prohibition and Regulation) Act of 1986, and the Juvenile Justice Act of 1986. Indian authorities also use Sections 366(A)
and 372 of the Indian Penal Code, prohibiting, kidnapping and selling minors into prostitution respectively, to arrest trafficking in India. Penalties prescribed under these provisions are a maximum of ten years imprisonment and a fine or sometimes both.

The Indian Constitution prohibits all forms of trafficking under Article 23. The Suppression of the Immoral Traffic Act, 1956 (amended as the Immoral Traffic Prevention Act) was in response to the ratification of the International Convention on Suppression of Immoral Traffic and Exploitation of Prostitution of Others in 1950 by India.

The problem in dealing with this very complex phenomenon begins with its very definition. There is no single definition of trafficking. A broader understanding of the issue says that illegal movement of any human being in any part of the world is trafficking. So far internationally there is no recognized definition of ‘trafficking in persons’. The preamble to the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (OHCHR, 1949) assimilates trafficking with prostitution. It argues that, “Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community”. The Convention in its very first article makes trafficking punishable, defining it in terms of procurement, enticement or leading away of a person for prostitution or sexual gratification of another person.

**Significance of the Study**

Trafficking is a serious problem in areas prone to poverty, hunger and drought as women and children are pulled and pushed into trafficking by adopting coercive and manipulative methods. The traffickers too dare to involve only those women and girls who can be easily enticed into trafficking by offering money, employment, and other metropolitan cultures.
Considering human trafficking as one of the heinous crimes, it also involved the violation of basic human rights of the victims. Both Government wings and NGOs are implementing various programs for the welfare of trafficking victims. But due to various reasons, these programs are not giving the desired results in rehabilitation and reintegration of the trafficking victims. Hence the present study is an attempt to understand rescue, rehabilitation and reintegration of trafficking victims in Anantapuramu District of Andhra Pradesh. So far most of the studies on trafficking mainly show the causes and process of trafficking in India or elsewhere and show the need of high concentration on the issues of reintegration of trafficking survivors. By reviewing the available literature on trafficking issues, it has been realized that not much academic research has been conducted covering various issues related to women trafficking.

Certainly, trafficking has been considered to be a source of livelihood for a few in India. The area forming a triangle covering mandals of Anantapuramu, Kadapa and Chittoor districts are known for heavy women trafficking. Hence, it is considered necessary to conduct a study on the problems associated with trafficking.

Further, Anantapuramu district is part of Rayalaseema region, which is known as stalking ground of famines. It is the second driest district in India. Droughts occur once in every three years on an average in the region. Agriculture, main occupation in the district, is considered a gamble in the monsoon. Naturally, the livelihoods of the people are always at risk. Earning for sustenance continues to be a basic necessity. Earning through prostitution is one of the ways for survival. Hence, it is very essential to focus on the factors which are causing trafficking in drought prone Anantapuramu district.

**Scope of the Study**
The study limits its scope to understand the socio-economic status of the trafficking victims, factors causing trafficking, pull and push factors that lead to trafficking, consequences of trafficking, living conditions of trafficking victims and changes in living conditions of the victims after their return. It also studies rescue, rehabilitation and reintegration processes of trafficking victims adopted by the State and the NGOs and gaps in rescue, rehabilitation and reintegration processes.

The study is confined to women trafficking victims only. The sample selected was limited to just one revenue division in Anantapuramu district. Analysis of issues related to living conditions of trafficking victims was limited to the information provided by the trafficking victims rather than triangulating with police, NGOs and judiciary records. The study of rescue, rehabilitation and reintegration processes was done only from the angle of trafficking victims. The other side of the coin is traffickers, police, judiciary, NGOs or different wings of the Government involved in rescue, rehabilitation and reintegration have not been taken into consideration.

**Limitations of the Study**

First limitation that merits attention is size of the sample. For any statistical test our sample size of 84 is too small. But due to various reasons, detailed below, the study could not reach more than the current sample size. Due to size restriction, statistical techniques could not be used in the analysis of data and information to arrive at indisputable conclusions.

Conducting a study on women trafficking is not an easy task because of sensitivity of the topic. Many hurdles have been faced during the data and information collection. As pointed out earlier, the study is exploratory in nature size of the universe for the study is not known. Hence, it proved to be difficult task to follow proper sampling procedure in the study area. Even while
following the non-probable sampling pattern, it is a very difficult task to distribute the targeted number in terms of mandals and villages in the study area. Consequently, the study was confined to Kadiri revenue division of Anantapuramu district where the problem of trafficking is prevalent in a significant manner. When identification of trafficked victims proved difficult for the current researcher, support of the staff of NGOs involved in rescue and rehabilitation was engaged.

Further, identification of women and girls who returned from prostitution and making them agree to interact without any monetary incentives proved difficult. A minute number of respondents refused to complete the interviews on the ground of time, place and other constraints even though they agreed to give information initially.

It is important to note that the information given by the victims need not be truthful as questions related to prostitution are bound to hurt the sentiments of the victims and also there are chances of giving pre-determined answers. But on a topic like this cross-questioning becomes difficult to verify the truth in the answers. Further, the girls and women who are involved in prostitution generally work in secret. Field experience has shown that, these women and girls have a tendency either to hide or lie particularly about their age, background, income and expenditure, debt particulars etc. and few women were not interested either to disclose their native village, family background for fear of identification.

Contradiction within the available data is also one of the limitations of the study. Data collected through respondent interviews was triangulated with the NGO staff and family members of the respondents and others to the best extent possible.

**Objectives of the Study**
The study mainly focuses on enquiring the problem of women trafficking, factors responsible for such trafficking, living conditions of the trafficked victims, steps taken by the state in their rehabilitation and reintegration and gaps in the same. However, the specific objectives of the study are:

- To understand the socio-economic status of the women trafficked into prostitution;
- To analyze the various causes of women trafficking in drought prone areas and to understand the living conditions of trafficked victims at their work places;
- To know the process of rescue of trafficked women and to study various programs of rehabilitation and to study the impact of such programs on trafficked victims;
- To examine the process of reintegration of trafficked women with their family and assimilation with the neighborhood community; and
- To suggest measures for prevention of women trafficking and implementation of rehabilitation and reintegration of trafficked women into mainstream.

Hypotheses

Following two null hypotheses are framed for testing in the study.

1. Socio-economic conditions have nothing to do with girl and women trafficking for commercial sexual exploitation.
2. The present efforts to rehabilitate and to reintegrate the trafficking victims by governmental and non-governmental agencies are not sufficient.

Methodology
The design of the study is exploratory in nature about commercial sexual exploitation of women covering social and economic status of the victims and their families, factors pushing and pulling them to end up as trafficked, modus operandi of trafficking, conditions they had to face after being trafficked, human and inhuman experiences of the trafficked at workplace, changes in socio-economic conditions of the victims after being trafficked and rescue, rehabilitation and reintegration of trafficked and the future prospects and plans of the trafficked victims.

The study was undertaken in Kadiri revenue division of Anantapuramu district. The villages were chosen based on the information provided by Indira Kranthi Pathakam staff, local NGOs and the Department of Women and Child Welfare, Government of Andhra Pradesh, who are working for the welfare of the trafficked victims. The mandals chosen for the study are Kadiri, Mudigubba, Nallamada, Numbula Pula Kunta, Talupula, Nallacheruvu, Obula Deva Cheruvu, Tanakal, Amadagur and Gandlapenta. The Government as well as the NGOs identified all these 10 mandals as trafficking prone mandals.

Since size of the universe is not easy to comprehend for the study of this nature, it is difficult to decide the sample villages, sample households and sample victims. Hence, only 84 victims that could be identified were considered for the study. More important, their names and places of residences are not collected to avoid being identified as trafficked victims. Hence the details of sample victims are not provided in the study.

The primary source of the data was collected from the women that were trafficked either forcibly or voluntarily and entered into prostitution or gave up the prostitution at the time of the study. A structured interview schedule has been used to collect the data from the victims. Apart from this information was also collected through observation, informal conversations with
victim’s friends, family members, NGO staff and the Women and Child Welfare Department officials.

A pilot study was conducted before conducting the actual data collection in the study area. The purpose of the pilot study was to identify the trafficking-prone villages in chosen mandals. The strategy adopted was to approach the returned victims, Women and Child Welfare department officials and NGO volunteers and officials and Swadhar Home staff.

Initially it proved very difficult to gather information about the girls and women who were trafficked. After developing rapport with the returned victims with the help of NGO officials and volunteers and after explaining them that this is only for research purpose. The girls and women who are already trafficked and returned were the source of information.

A structured interview schedule was prepared taking into consideration of the objectives of the study. The main areas covered are personal profile of the victims, family background, socio economic details, debt particulars, work place environment, working conditions, modus operandi of trafficking, average earnings and expenditure patterns, health conditions, rescue details, process of rehabilitation and reintegration, present status, stigma faced by the victims and their future prospects.

The tool was pre-tested for correction and modification and logical sequencing. It was felt that the name of the victims need not be asked at the initial stage and kept as optional; since most of the victims hesitated to reveal the original names due to various reasons. Hence, it was kept as optional.

The data collection was done for more than six months ending with May 2013. The initial days of data collection was used to establish rapport and for winning the confidence of the
trafficked victims with the help of NGO volunteers that have been working for them. It took an average of 3 to 4 hours for collecting information from each respondent to collect data and information. For a few respondents second visit was also made. During data and information collection, in some cases, the parents, spouse and relatives were present, advantageous in certain aspects and disadvantages in other aspects particularly when details of problems faced by the victims and workplace conditions are being enquired. Discussions with the NGO officials and Swadhar Home staff, Anti Human Trafficking Committee members and Self Help Group members were undertaken to get the data and information triangulated and to get an in-depth understanding of the problem associated with trafficking.

Both formal and informal discussions with the concerned officials and non-officials and participant observations have also been used to study the practical side of the problem. This helped the researcher to link logically the theoretical and statistical aspects of the study.

Chapter Scheme

The study is divided into seven chapters in accordance with the objectives of the study. Second Chapter provides a brief review of literature on trafficking, factors responsible for trafficking, role of judiciary and police in arresting the trafficking, commercial exploitation, identification of source and destination of trafficking victims and gaps in the available literature. The Immoral Trafficking Prevention Act-1956 (ITP Act) and its various sections, activities taken up by various governments and NGOs to rescue, rehabilitate and reintegration of trafficking victims and role of the various agencies in preventing human trafficking are briefly reviewed in Chapter three. Fourth Chapter presents the socio-economic profile of the sample respondents which includes caste, religion, education levels, marital status, size of the family, composition of male and female members of the household, primary occupation, monthly earnings, debt
particulars, and source of debt and residing place of the respondents. The trafficking details which includes, age at the entry point, reasons for trafficking, process of trafficking, trafficker details, type of prostitution practiced, type of treatment received, experiences of physical and sexual abuse, duration spent in prostitution, daily earnings and expenditure are assessed in Chapter five. Sixth chapter is meant to describe rescue, rehabilitation and reintegration process and the impact of such practices. The final Chapter sums up findings, draws conclusions, identifies necessary steps in the prevention the women trafficking for commercial sexual exploitation and steps to be taken up for their rehabilitation and reintegration into mainstream.